THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.18596 of 2006

Dated: 15-09-2006

Between:

Harijana Laxmamma.

..... PETITIONER

AND

The Mandal Revenue Officer, Allagadda Mandal,
Kurnool District, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.18596 of 2006

ORDER:

The petitioner is wife of one Harijana Pullanna, who was assigned agricultural dry land admeasuring Acs.4.98 cents in survey No.587/4 situated at Bachepalli Village, Allagadda Mandal, Kurnool District, in the year 1977, vide proceedings No.R.Dis.257/DAR/87, dated 18-11-1977. The petitioner's husband died, whereafter she is allegedly in possession of the land and cultivating the same. When respondent No.2, tried to interfere with her possession of subject land, she enquired and came to know that D Form patta was issued to him (respondent No.2) cancelling the D form patta issued in favour of her husband. Therefore, she filed the present writ petition questioning the proceedings of respondent No.1, namely, Mandal Revenue Officer(MRO), Allagadda Mandal, bearing No.Rc.B/433/2005 dated 31-12-2005 cancelling the assignment based on the report of the Mandal Revenue Inspector, Allagadda.

The impugned proceedings/order dated 31-12-2005 (English translation) reads as under.

Orders of the Mandal Revenue Officer, Allagadda

Present: Sri P. Siddanagulu,

Rc.B/433/2005 Dated 31-12-2005

Sub:- D Form Patta- cancellation – Allagadda Mandal, Bachepalli Village –Sy.No.587/4, 4-98 – As per the orders of Mandal Revenue Officer, the D Form Pattadar Harijana Pullanna S/o Obanna has been cancelled – Orders Issued – Reg.

Ref:- Enquiry Report of Mandal Revenue Inspector, Allagadda N.Dis./40/2005, dated 29-12-2005.

ORDERS:

The Mandal Revenue Inspector has been recommended for cancellation of D-patta issued by Allagadda Tahsildar vide R.Dis.257/DAR/87, in respect of land in Sy.No.587/4, 4.98 acres of Bachepalli village, Allagadda in favour of Harijana Pullanna S/o Obanna, as he is not residing in the village and not cultivating the same.

Hence, as per the recommendations of the Mandal Revenue Inspector, orders are issued by cancelling the D-Patta issued in favour of Harijana Pullanna S/o Obanna in respect of land 4.98 acres in Sy.No.587/4.

Sd/-
P. Siddanagulu
Mandal Revenue Officer,
Allagadda

When the matter was heard on 08-09-2006, having regard to the submission that the impugned order was not preceded by any notice or opportunity to the petitioner, this Court directed the Assistant Government Pleader for Revenue (General) to produce relevant file and also get

instructions. Today, after getting instructions, the learned Assistant Government Pleader for Revenue (General) submits that the petitioner is not staying in Bachepalli Village, that when the application was made by respondent No.2 for assignment of the subject land, notice was published in the Village inviting objections for assignment, that a *tom-tom* was also made in the Village and that as nobody raised any objection, the impugned order was passed. The learned counsel for the petitioner, however, refutes this and submits that the petitioner is very much resident of Bachepalli Village and no notice was issued to her.

There is no denial that subject land was assigned to the petitioner's husband and being the wife, she is entitled to inherit the same. Admittedly no notice to her as such was given and only a *tom-tom* was made. Therefore, this Court is of the considered opinion that MRO should conduct fresh enquiry after giving notice to the petitioner. However, instead of following this course, the petitioner is given liberty to approach MRO with a copy of this order on 25-09-2006 or earlier. As and when the petitioner approaches MRO, said Officer may conduct enquiry, if necessary, and pass appropriate orders in accordance with law, after issuing notice to the person to whom subject land is proposed to be assigned.

Accordingly, the impugned order dated 31-12-2005 is set aside and the writ petition, with the above observations, is disposed of. No costs.

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(**V.V.S.RAO, J**)

15th September, 2006

Note: Issue CC by 18-09-2006

B/o

ghn